

REMARKS

The Office Action dated April 24, 2009 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-12 are now pending in this application. Claims 1-12 stand rejected. Claims 13-56 have been withdrawn from further consideration.

The rejection of Claim 10 under 35 U.S.C. § 112, second paragraph is respectfully traversed. Claim 10 has been amended to more clearly describe the invention and to address the rejections in the Office Action. For at least this reason, Applicants respectfully submit that Claim 10 satisfies the requirements of 35 U.S.C. § 112. As such, Applicants respectfully request that the rejection of Claim 10 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The rejection of Claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication 2002/0032495 to Ozaki (hereinafter referred to as “Ozaki”) is respectfully traversed.

Initially, Applicants respectfully submit that the Section 102 rejection of Claims 1-12 is not a proper rejection. The Federal Circuit has opined that to anticipate a claim, a single source must contain all of the elements of the claim. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 137, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986). Also, missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. See *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Further, as stated in M.P.E.P. §2131, a claim is anticipated by a reference only if each and every element as set forth in the claim is found, either expressly or inherently described, in the cited reference. Applicants submit that Ozaki does not describe nor suggest, either expressly or inherently, that data representative of a rule set is imported into the machinery monitoring system by an end user. In contrast to the present invention, Ozaki merely describes that a predetermined rule set is extracted from a production controller, but does not describe nor even suggest that an end user can import the data representative of a rule set into the system.

Ozaki describes a production management system that includes a production controller (2) connected online via a local area network (LAN) to a plurality of production apparatus on a production line (1), or a data processing apparatus connected online via LAN to an off-line management apparatus that has a production management function and a simulator (3). Specified parameters, including a dispatch rule and a period of simulation, are extracted from production controller (2). Simulator (3) performs a simulation of a physical distribution for the specified period of time based on the predetermined dispatch rule, apparatus information, and process information, wherein all are obtained from production controller (2) or offline management apparatus. Simulator (3) then performs a re-simulation of the physical distribution based on time-series availability factors and load factors obtained from the previous simulation. Production controller (2) then dynamically changes the predetermined dispatch rule set for each apparatus which feeds back the rule change to control the physical distribution. Notably, Ozaki does not describe nor suggest an end user importing data representative of a rule set into a machinery monitoring system.

Claim 1 recites a method of managing a machinery monitoring system including a database of at least one rule set, the rule set including at least one rule expressed as a relational expression of a real-time data output relative to a real-time data input, the relational expression being specific to a plant asset, wherein the method comprises “importing, by an end user, data representative of a rule set into the machinery monitoring system, the data including rule set full operand relative path information . . . applying the at least one rule set to a specific plant asset that is monitored by a plant monitoring and control system wherein the at least one rule set is configured to locate the data input using at least a portion of the full operand relative path information . . . determining a data output of the at least one rule set using the at least one relational expression and the data input . . . and transmitting the data output to at least one of the machinery monitoring system and the plant monitoring and control system.”

Ozaki does not describe nor suggest a method of managing a machinery monitoring system as is recited in Claim 1. More specifically, Ozaki does not describe nor suggest managing a machinery monitoring system that includes a database of at least one rule set,

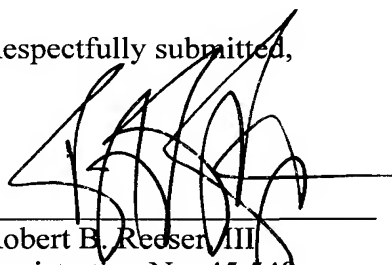
wherein the rule set includes at least one rule expressed as a relational expression of a real-time data output relative to a real-time data input, and the relational expressing being specific to a plant asset, wherein the method includes importing, by an end user, data representative of a rule set into a machinery monitoring system. Rather, in contrast to the present invention, Ozaki describes a simulator that extracts a predetermined rule set from a production controller, performs a plurality of simulations, makes changes to the predetermined dispatch rule based on the simulation, and feeds back the changed rule set to the apparatus and/or the production controller. Notably, Ozaki does not describe nor suggest a machinery monitoring system wherein an end user performs the function of importing the data representative of the rule set into the machinery monitoring system. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Ozaki.

Claims 2-12 depend from independent Claim 1. When the recitations of Claims 2-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-12 likewise are patentable over Ozaki.

For the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-12 under 35 U.S.C. §102 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Reeser III', is written over a horizontal line.

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